

1 Rene L. Valladares
Federal Public Defender
2 Nevada Bar No. 11479
Randolph M. Fiedler
3 Assistant Federal Public Defender
Nevada Bar No. 12577
4 Randolph_Fiedler@fd.org
Jocelyn S. Murphy
5 Assistant Federal Public Defender
Nevada Bar No. 15292
6 Jocelyn_Murphy@fd.org
Katie Chadliev
7 Assistant Federal Public Defender
District of Columbia Bar No. 1531537
8 Katie_Chadliev@fd.org
411 E. Bonneville Ave., Ste. 250
9 Las Vegas, NV 89101
(702) 388-6577
10 (702) 388-5819 (fax)

11 Attorneys for Petitioner

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 William Keck,

15 Petitioner,

16 v.

17 William Reubart, *et al*,

18 Respondents.

Case No. 3:22-cv-00031-JAD-CSD

**Stipulation And Order to Stay
Federal Proceedings Pending
Exhaustion of State Remedies**

DEATH PENALTY CASE

STIPULATION

Petitioner William Keck, through counsel Randolph Fiedler, Assistant Federal Public Defender, and Respondent William Reubart, et al, through counsel Heather Procter, Chief Deputy Attorney General, hereby stipulate as follows:

- On September 19, 2022, Mr. Keck filed a timely Amended Petition for Writ for Habeas Corpus in this Court. *See* ECF No. 13. In his amended petition Mr. Keck identified several unexhausted claims. *Id.* at 19–20.
- On November 1, 2022, Mr. Keck filed his second habeas petition in the Eighth Judicial District of Nevada. This petition was filed to exhaust any unexhausted claims raised in his federal habeas corpus proceedings.
- The parties agree that the federal proceedings should be stayed pending the conclusion of the state exhaustion proceeding.
- The parties agree that the exhaustion proceeding includes any appeal to the Nevada Supreme Court following resolution of the petition in the state district court, and that the proceeding is concluded once remittitur issues from that appeal.
- The parties agree that Mr. Keck will file a status report regarding the progress of the exhaustion proceeding on December 15, 2022, and every six months thereafter until the proceeding is concluded. Respondents may, if necessary, file and serve a response to any such status report

within 15 days after its service. If necessary, Mr. Keck may then file a reply within 15 days of service of the response.

- The parties agree that Mr. Keck will file a motion to reopen the federal proceeding within thirty days of the conclusion of the state exhaustion proceeding.
- The parties agree that Respondents do not, by stipulating to the instant stay, intend to waive any procedural defenses. By agreeing to this procedure, Respondents do not concede that Mr. Keck's post-exhaustion petition will be considered fully exhausted, timely, or free from procedural default.

DATED this 8th day of November, 2022

Rene L. Valladares
Federal Public Defender

Aaron Ford
Nevada Attorney General

/s/ Randolph M. Fiedler
Randolph M. Fiedler
Assistant Federal Public Defender

/s/ Heather D. Procter
Heather D. Procter
Chief Deputy Attorney General

ORDER

Based on the parties' stipulation [ECF No. 25] and good cause appearing, IT IS SO ORDERED. This action is STAYED pending exhaustion. The Clerk of Court is directed to **administratively close** this case.



U.S. District Judge Jennifer A. Dorsey

DATED 11/9/22